



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: May 6, 2005
Comment Deadline: June 6, 2005
Corps Action ID #: 200520751

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: **KB Home Raleigh – Durham, LLC**
Attn: Mr. Pete Sullivan
1100 Navahoe Drive
Raleigh, North Carolina 27609

Agent: **Soil & Environmental Consultants, Inc.**
Attn: Mr. Sean Clark
11010 Raven Ridge Road
Raleigh, North Carolina 27614

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

Location

The project is approximately 90 acres in size and is located to the north and west of the intersection of Yates Store Road and north of Carpenter Fire Station Road, east of Panther Creek, in Cary, Wake County, North Carolina. Coordinates (in decimal degrees) for the site are 35.8240 ° North, 78.9145 ° West. The site contains tributaries of Panther Creek and Morris Branch, and adjacent wetlands, in the Cape Fear River Basin. The project, identified as parcels MF-2 and MF-2A, are located within the Amberly Planned Unit Development (PUD).

Existing Site Conditions

The site is located in a rapidly developing rural setting. Numerous new residential developments are located near the proposed project. A sewer pump station and sanitary sewer trunk lines have recently been constructed near the site to provide sewer service to the vicinity. Currently, the site is made up of abandoned agricultural fields and forestland. Several tributaries to Panther Creek and Nancy Branch and two farm ponds are also located on the property. Grading operations have commenced on high ground portions of the site.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to provide additional housing for the growing Cary area. The development will contain both single-family and multi-family residential areas.

Project Description

The project is a residential development that will include construction of single and multi-family units. Development of the site will require extensive clearing, grading, excavation, and fill necessary for the construction of homes, lots, roads, stormwater facilities, and infrastructure. Heavy equipment, including graders, pan scrapers, excavators, bull dozers, etc. will be used for the construction of the project. Proposed impacts to waters of the U.S. total 374 linear feet (0.0432 acre) of intermittent stream channel resulting from the placement of fill material, culverts, and/or riprap. The impacts are proposed in three separate locations as follows: a) 292 linear feet of intermittent stream channel for the construction of a road and lots; b) 50 linear feet of intermittent stream channel for the construction of a greenway trail; and c) 77 linear feet of intermittent stream channel for the construction of lots. Development plans also call for the conversion of a 1.717-acre farm pond into a non-jurisdictional stormwater retention pond. No direct impacts will result from this conversion, however the work will result in the permanent loss of 1.717 acres of open waters of the U.S. as the resulting pond will no longer be subject to Section 404 of the Clean Water Act. The applicant has not proposed mitigation for the proposed impacts associated with the development. Plans included with this notice that show the overall proposed site layout as well as the details for impact areas a, b, and c.

Development plans for an additional parcel of Amberly PUD, identified as Amberly AR, were submitted by Sandler At Amberly, LLC and are currently under review. Plans for Amberly AR will be distributed by public notice (Corps Action ID #: 200520319) following submittal of a complete application, and they will be available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands. Impacts associated with Amberly AR and with the current proposal will be reviewed as a single and complete project for the purposes of the Corps permit evaluation procedures.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by May 4, 2005.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

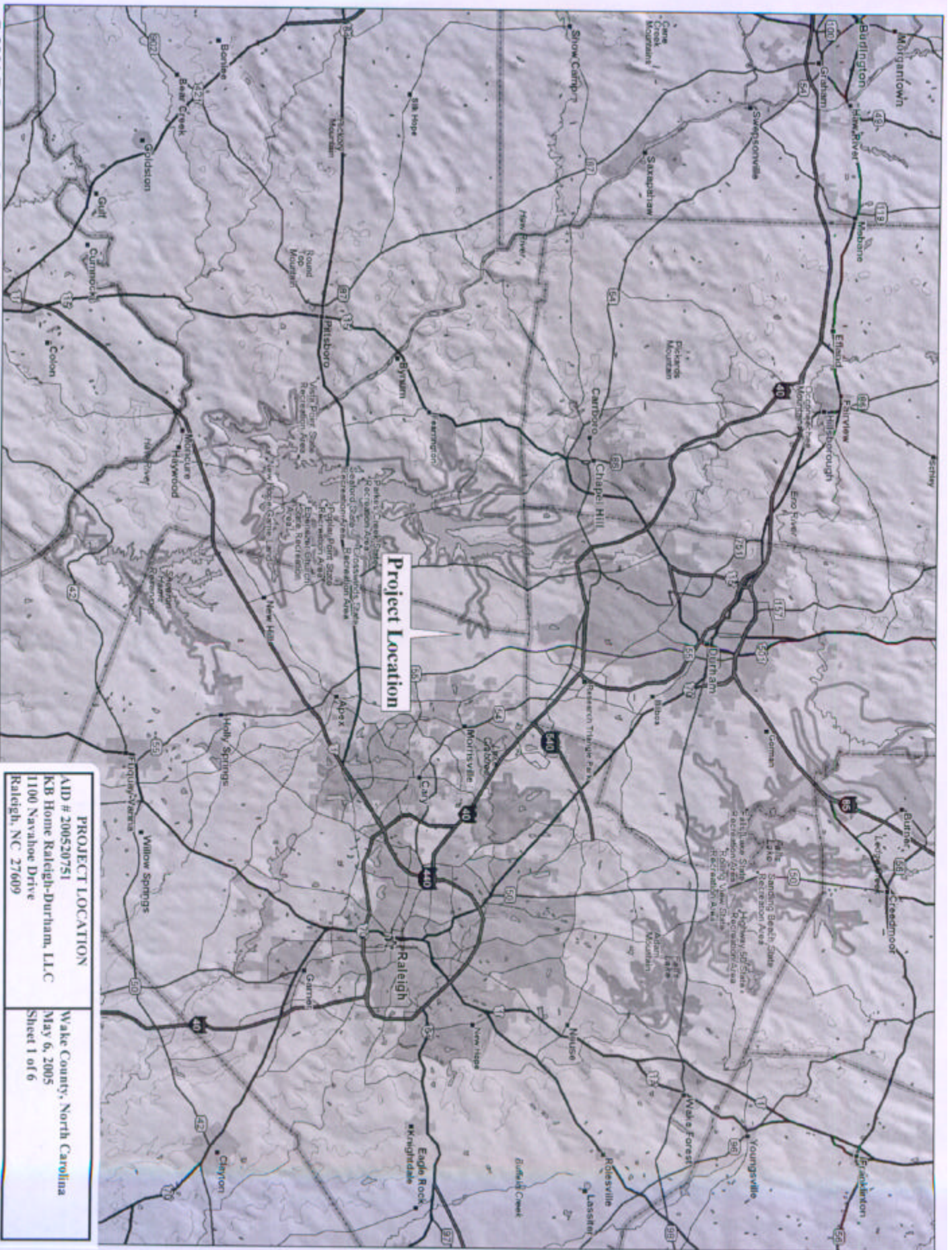
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

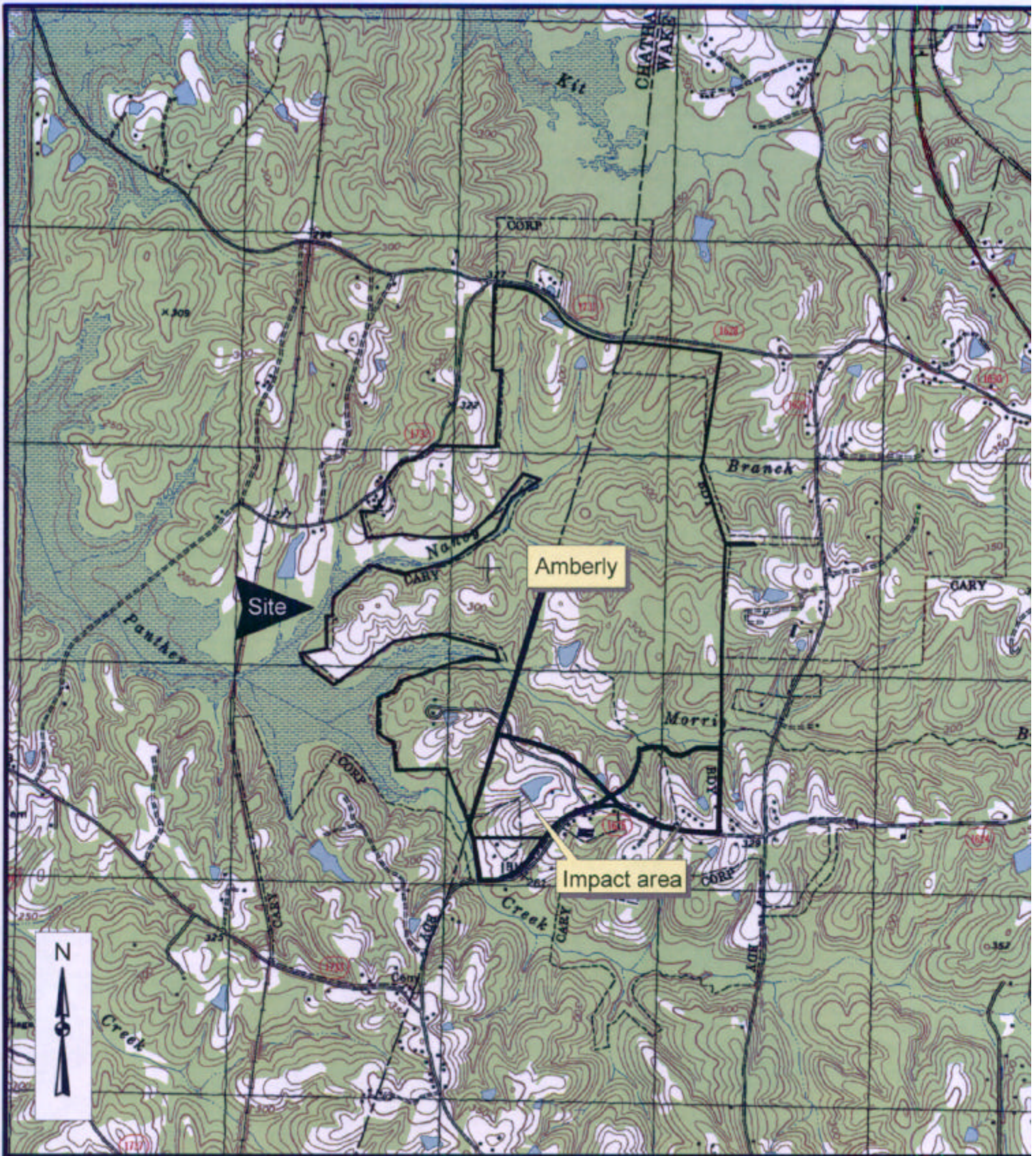
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 6, 2005. Comments should be submitted to Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.





Project No.
1089

Project Mgr.:
SC

Scale:
1" = 2,000'

Figure 1 - USGS Map

Amberly
(Parcels MF-2 & MF-2A)
Chatham & Wake Counties, NC

S&EC

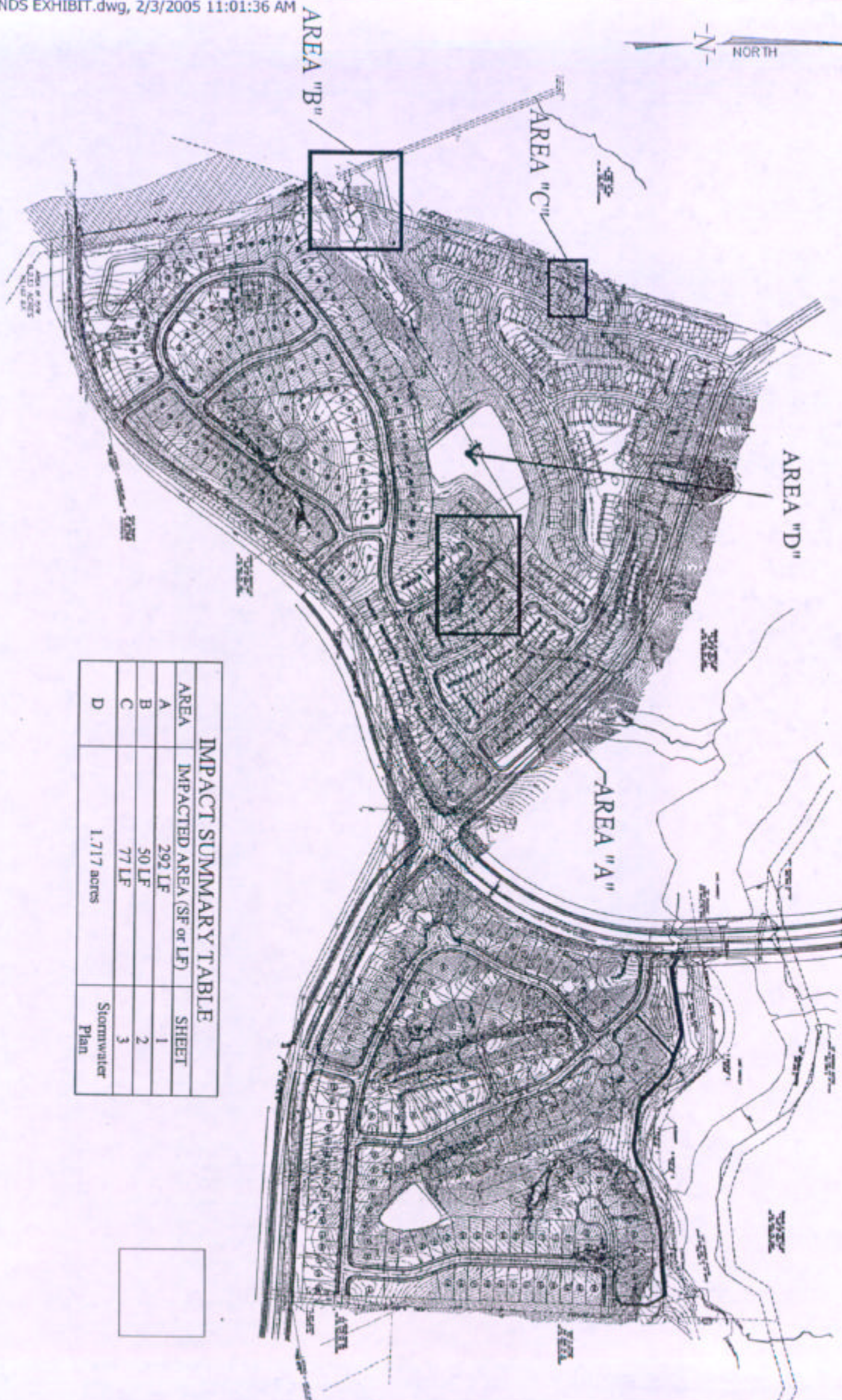
Soil & Environmental Consultants, PA
11010 Raven Ridge Rd. • Raleigh, NC 27614
(919) 846-5900 • (919) 846-9467
Web Page: www.SandEC.com

USGS TOPOGRAPHIC MAP
AID # 200520751
KB Home Raleigh-Durham, LLC

Wake County, North Carolina
May 6, 2005

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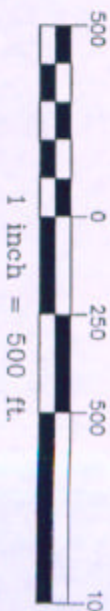


IMPACT SUMMARY TABLE		
AREA	IMPACTED AREA (SF or LF)	SHEET
A	292 LF	1
B	50 LF	2
C	77 LF	3
D	1,717 acres	Stormwater Plan



WETLAND IMPACT MAPS FOR
A PORTION OF AMBERLY PUD
CARY, NC

GRAPHIC SCALE



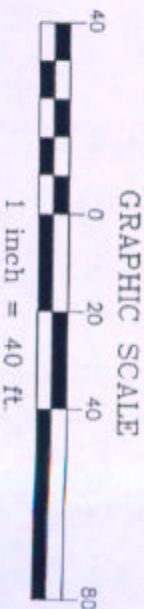
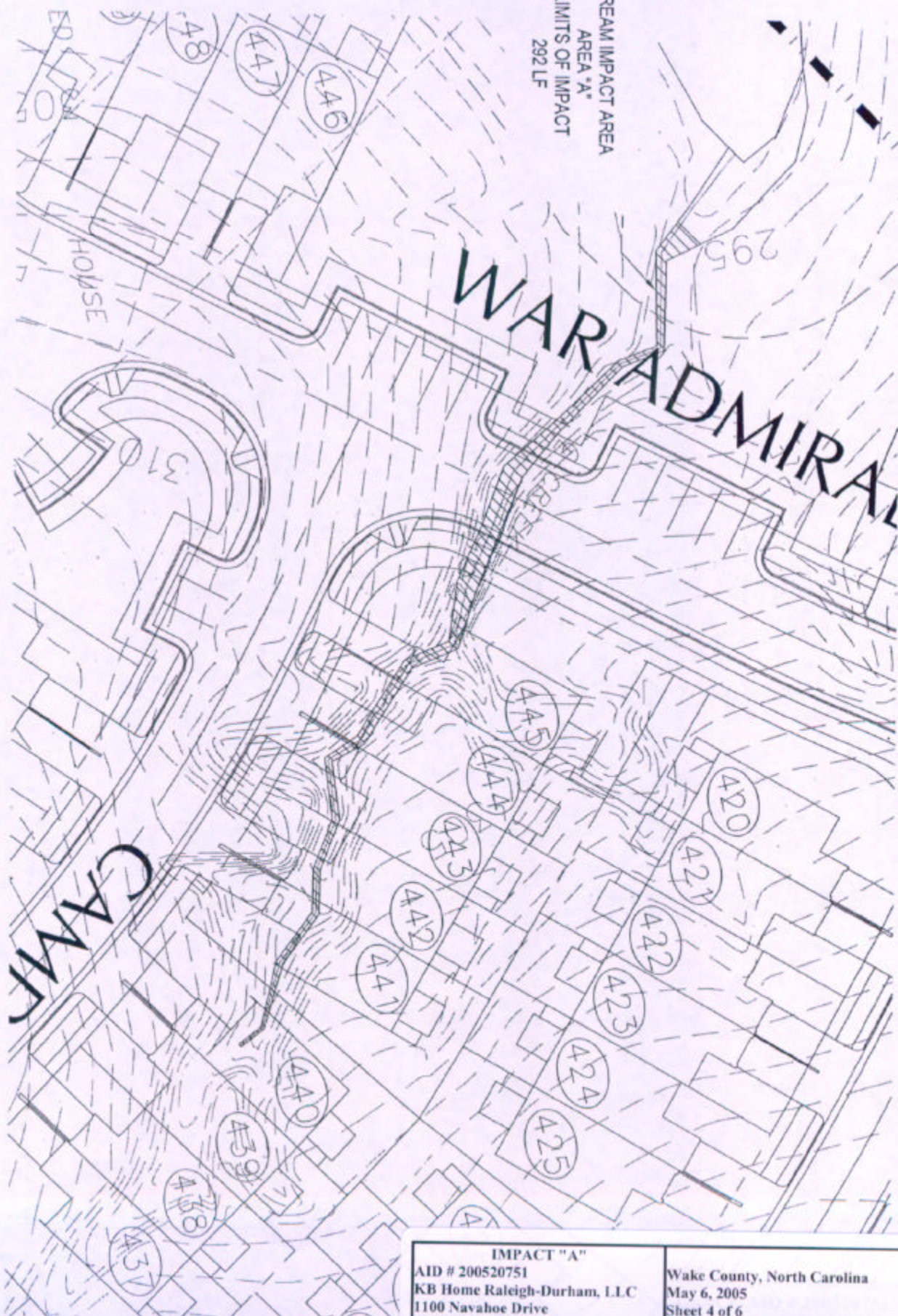
PLAN VIEW
AID # 200520751
KB Home Raleigh-Durham, LLC

Wake County, North Carolina
May 6, 2005

Wake County, North Carolina 27511 Tel: 919-469-3340 Fax: 919-469-6006 www.witthers.com

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AREA "A"



IMPACT "A"
AID # 200520751
KB Home Raleigh-Durham, LLC
1100 Navahoe Drive

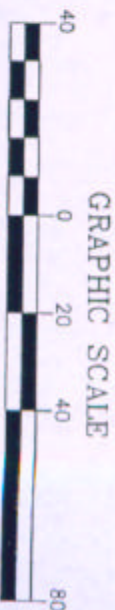
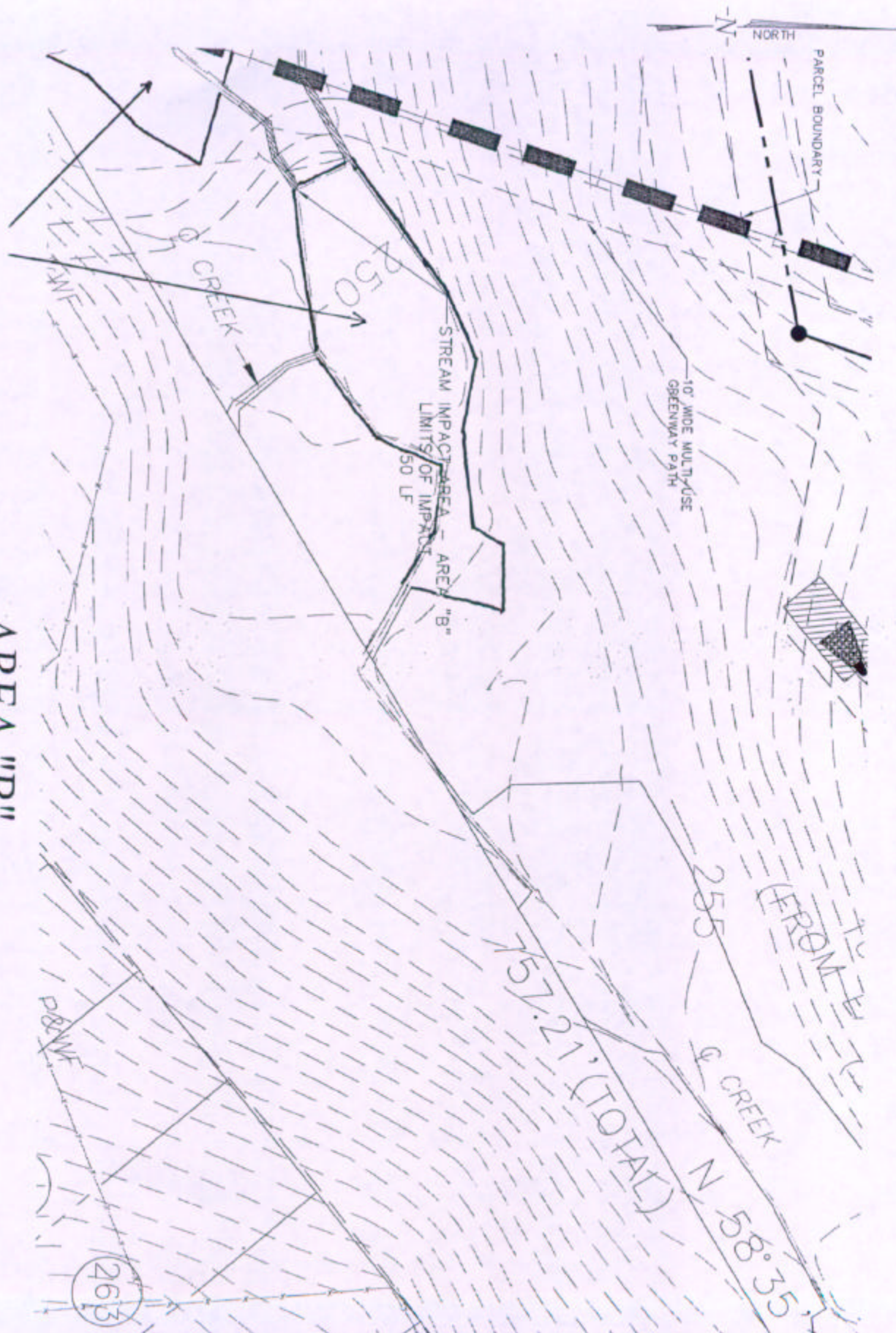
Wake County, North Carolina
May 6, 2005
Sheet 4 of 6

Withers & Ravenel
 Engineers & Planners & Surveyors
 11111 Madison Drive, Cary, North Carolina 27511
 Tel: 919-469-3340 Fax: 919-467-6008
 www.withersravel.com

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WETLAND

AREA "B"



<p>IMPACT "B" AID # 200520751 KB Home Raleigh-Durham, LLC</p>	<p>Wake County, North Carolina May 6, 2005</p>
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11 Mackenro Drive Cary, North Carolina 27511 Tel: 919-469-3340 Fax: 919-467-6000 www.wittherravenel.com

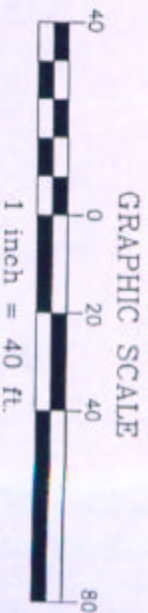
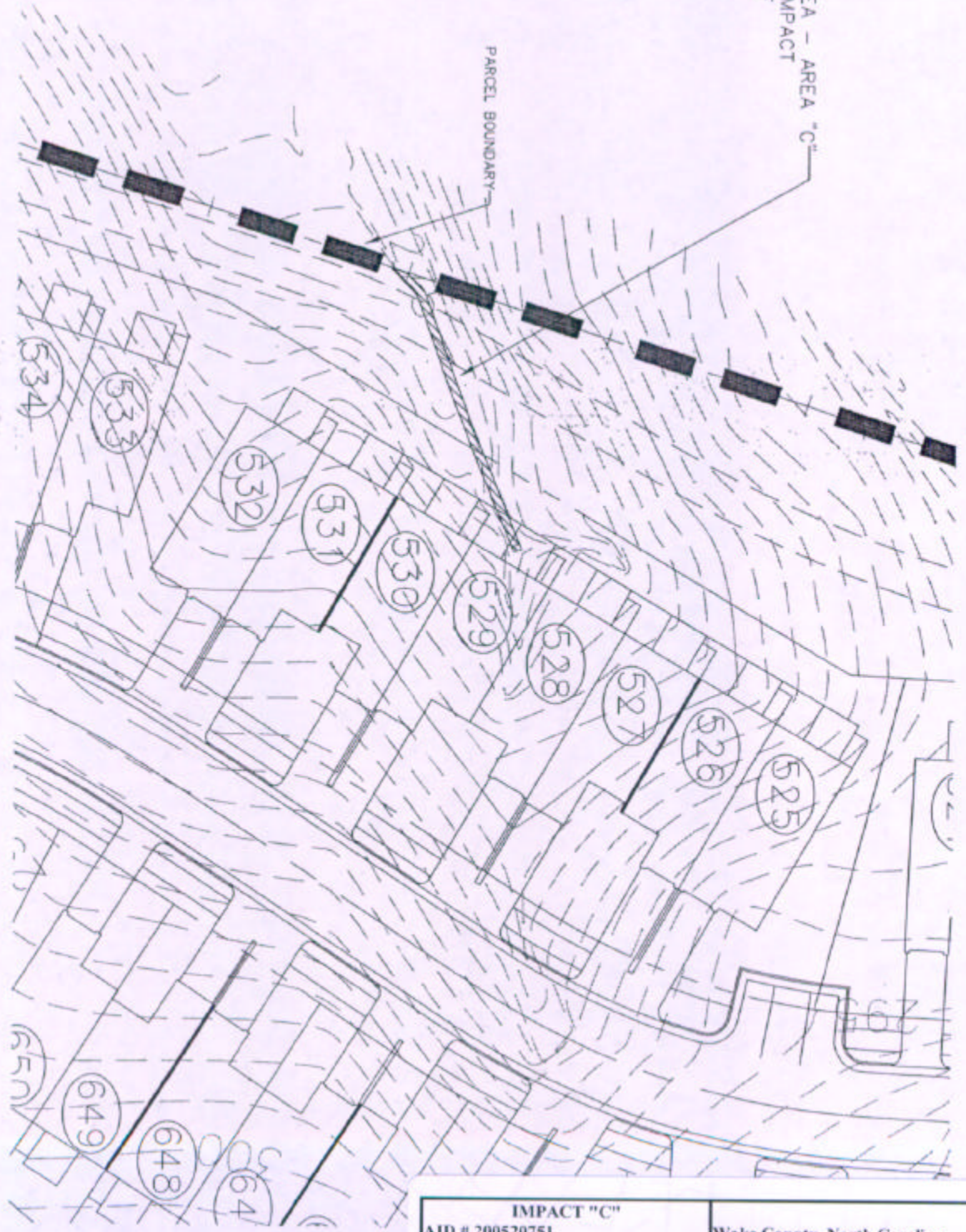
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STREAM IMPACT AREA - AREA "C"
77 LF

PARCEL BOUNDARY

AREA "C"



IMPACT "C"	
AID # 200520751	Wake County, North Carolina
KB Home Raleigh-Durham, LLC	May 6, 2005
1100 Navahoe Drive	Sheet 6 of 6